IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

MACA.No. 998 of 2006()

OPMV.1050/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
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APPELLANT/PETITIONER.

LAKSHMISREE, PUTHENPURACKAL,
VAZHOOR P.O. NOW RESIDING AT POLICE QUARTERS
PONKUNNAM.

BY ADV. SRI.V.V.SURESH

RESPONDENTS: RESPONDENTS.
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1. MATHEW.P.MURICKAN,
ARACKAL BUILDING, KANNAMPALLY ROAD, PACHALAM,
ERNAKULAM.

2. THE ORIENTAL INSURANCE COMPANY LTD.,
COCHIN.

BY ADV. SRI.DINESH MATHEW J.MURICKEN FOR R1
SRI.P.V.JYOTHI PRASAD FOR R2

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON 12/4/2007 DELIVERED THE FOLLOWING:

P.R.Raman & Antony Dominic, JJ.
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M.A.C.A.No.998 of 2006
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Dated this the 12th day of April, 2007.

JUDGMENT

Antony Dominic,J.

Claimant in O.P.(MV) No.1050 of 2002 of the Motor Accidents Claims Tribunal, Palai is the appellant. It is stated that on 12.5.2006, while walking on the side of K.K.Road at Kondungoor bhagom, a Maruti van bearing registration No.KL-7AG/5267 coming from the east knocked down the claimant and that she suffered injuries. Immediately after the accident, she was hospitalised and was discharged on 16.5.2002. She filed the claim petition claiming an amount of Rs.1,95,000/-, but limited the same to Rs.70,000/-. The Motor Accidents Claims Tribunal by the impugned award, granted compensation of Rs.9892/- with interest at 7.5% from 23.12.2002. It is aggrieved by the said award that the appellant has come up in appeal.

2. A reading of the award would show that Ext.A6 accident-cum-wound certificate indicated the injuries sustained by the appellant and X-ray of spine was taken, which disclosed that there was no fracture

suffered in the accident. In Ext.A7 certificate issued by Dental Surgeon, Taluk Hospital, Kanjirappally, it was certified that the appellant had underwent root canal treatment after sustaining injuries in a road traffic accident on 12.5.2002. This certificate also indicates that she expended Rs.2,200/- towards the root canal treatment. In addition to this, the medical bills produced also indicated that an amount of Rs.1,692/- was expended by her towards medical expenses and the aforesaid amounts have been granted. Further towards transport to hospital and for damages to clothing and bystander, Rs.250/- each have been granted and towards pain and suffering an amount of Rs.5,000/- was also granted.

3. During the course of arguments, counsel for the appellant pointed out that the appellant had suffered injuries on her face, affecting her marriage prospects and towards that claim, the appellant was not granted any amount. On going through the award, we notice that no medical evidence has been adduced in this regard apart from the fact that even the appellant herself was not examined. We are also satisfied that the appellant had not suffered any disability arising out of the accident. In the circumstances on the evidence available before the Tribunal, reasonable compensation has already been granted.

4. In fact, when the counsel persisted with his argument for enhancement, we even allowed him to produce documents, if any, supporting the claims made in the claim petition. Apart from what were already produced before the Tribunal, the appellant could not produce anything even before us.

In the circumstances, we see no scope for enhancement of the compensation claimed by the appellant. In the result, we find no merit in the appeal and the appeal will stand dismissed.

P.R.Raman,
Judge.

Antony Dominic
Judge.

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